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C O N F I D E N T I A L BEIJING 012177

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TAGS: PHUM PREL CH

SUBJECT: HUMAN RIGHTS: BLIND ACTIVIST CHARGED WITH DESTROYING PROPERTY AND DISRUPTING TRAFFIC

REF: A. A) BEIJING 5224

1B. B) BEIJING 10904 (NOTAL)

Classified By: Deputy Chief of Mission David Sedney.
Reasons 1.4 (b/d).

11. (C) Summary: Blind legal activist and family planning whistleblower Chen Guangcheng has been formally charged with intentionally destroying public property and inciting a mass traffic jam. The charges and Chen's transfer to the Shandong Province Yinan County detention center end nearly three months of legal limbo after Chen's March 11 disappearance, his wife told poloff. Chen's lawyer says the charges are trumped up, stemming from Chen's efforts to flag down a car and report to police in a neighboring town that thugs beat one of his supporters (reflets). But the lawyer fears authorities will move quickly to convict Chen on the charges, with a jail term of three to seven years. The DCM protested the detention to MFA International Organizations Director General Wu Hailong. End Summary.

12. (C) Legal activist Chen Guangcheng was formally detained on charges of intentionally destroying public property and inciting a mass traffic jam, according to an arrest notice that Shandong Province, Linyi City public security officials provided to his wife June 10. Chen was formally detained and charged at 9 a.m. on June 10, according to his wife Yuan Weiqing and his brother Chen Guangfu, who separately telephoned and sent text messages to poloff relaying this information. Chen Guangcheng is being held in the Yinan County detention center, the notice said.

A Blind Man Causes A Traffic Jam?

13. (C) The charges against Chen stem from a March 11 incident in which one of Chen's supporters was beaten and sought the legal advocate's help, his Beijing-based attorney Jiang Tianyong told poloff. When Chen and the supporter attempted to flag down a vehicle to take them to a neighboring town and report the beating, the thugs interfered. Alarmed that a blind man was being manhandled, passersby got out of their cars and objected, creating a traffic jam. In the ensuing fracas, a taxi's window was broken. It should be obvious that a blind man could not have legal responsibility for destroying property or causing a traffic jam in such a situation, Jiang said.

14. (C) Jiang said he views filing of formal charges as an indication that local authorities have marshaled their evidence and will soon bring Chen's case to trial. Authorities failed in their attempts to charge

Chen with leaking "state secrets" or providing "state intelligence," Jiang said, but they will nonetheless use the current charges as an attempt to silence Chen. As a matter of Chinese law, Chen should be sentenced to a jail term of less than three years, Jiang said, but serious cases of destroying property can net a seven-year sentence. Jiang or his associates will travel to Shandong Province this week to file a motion to represent Chen and to see him in custody.

Embassy Protests Formal Charges

¶15. (C) On June 13, the DCM conveyed USG concern about the charges filed against Chen to MFA Director General for International Organizations Wu Hailong. The DCM expressed concern that local authorities are seeking revenge against Chen for exposing family planning violations in Shandong Province, even though a Central Government investigation subsequently found that serious violations had occurred. DG Wu said the matter was an internal Chinese one and that relevant authorities would handle it according to law. The DCM urged the Central Government to ensure that local authorities properly implement the law and pressed China to release Chen.

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